

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare – Cancellation of Scheduled Caste Certificate - Appeal petition filed by Kumari Gudur Sravya, and Sri Gudur Sailesh Babu against the Proceedings of the District Collector, SPS Nellore – Appeal rejected – Orders Issued.

SOCIAL WELFARE (C.V-I) DEPARTMENT

G.O.Ms.No: 18

Dated: 24-02-2010.

Read the following:

1. From the District Collector, Sri Potti Sriramulu Nellore Dist.,
Procgs. Rc.No.C5/M/1675/2007, dated: 21.6.2008.
2. Appeal petition from Sri Gudur Veera Sankar alias Veeraiah,
Kum G. Sravya, D/o. Veera Sankar and G. Sailesh Babu, S/o. Veera
Sankar, Gudur (T & M), Nellore Dist., Dated: 16-07-2008
3. Govt. Memo. No. 5865/CV-1/2008-1, S.W.Dept., Dated: 05-08-2008,
addressed to the Dist. Collector, SPS Nellore and the petitioner.
4. The District Collector, Potti Sriramulu Nellore Dist, Rc.C5 (M)
1675/07, Dated: 15/07/2009.
5. Govt.Letter. No. 5865/CV.1/2008-9, S.W.Dept., Dated: 05-01-2010
addressed to the petitioners.

In the proceedings 1st read above, the Dist. Collector Nellore has stated that one Sri Gudur Veera Sankar, S/o Chandrasekharaiah, resident of Mittapalem of Gudur Mandal has filed a representation for issue of Budaga Jangam Caste Certificate to his children (Kumari Gudur Sravya and Sri.Gudur Sailesh Babu).

Based on affidavits of his relatives, their statements and on the report of Mandal Revenue Officer, Gudur, a Scheduled Caste (Budaga Jangama) Certificate was issued to them. Subsequently, many people in the division from Vakadu, Sydapuram, Pellakur, Gudur, Naidupet, Sullurpet and Chittamur Mandals have filed representations for issue of Budaga Jangam Scheduled Caste Certificate. The Tahsildars concerned have reported that there are no Budaga Jangama Caste people in their Mandal, but Jangams are utilizing the benefits in the name of Budaga Jangam.

The Sub-Collector Gudur, has conducted a meeting with all the Tahsildars in his Division in the matter. The Tahsildars have stated that there are no Budaga Jangams in Nellore District and they are found in Telangana Region only and very few people were migrated to this region. Subsequently, the matter was placed before the DLSC and in the light of the findings of the Committee and after following due procedure, the proceedings were issued by the Collector, Nellore vide reference 1st read above, canceling the Scheduled Caste (Beda/Budaga Jangam) Certificate issued to Kumari Gudur Sravya and Sri Gudur Sailesh Babu.

Aggrieved by the proceedings of the District Collector, SPS Nellore, issued in the reference 1st read above, the individuals have filed an appeal petition before the appellate authority in the reference 2nd read above, U/s 7(2) of Act 16/93 and prayed that the Government may be pleased to set aside the said proceedings and submitted the following grounds:

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- i. The Mandal Revenue Officer, Gudur has enquired about them along with other relatives and public on 30.11.06. They are doing "Sava Karmas" apart from cloth business and tailoring as their Income to run their family and blow the conch and ring bell in front of the Dead body while taking to Smasan ghat or cemetery (Burial ground). Their Grand father Late Sri Charodraiah alias Chandrasekhar was also doing Sava Karmas in the town and attending funeral rites.
 - ii. In their village or town they are commonly calling as Jangam or Jangalu, there are differences between Jangam and Beda (Budaga) Jangam there may be similarity in the name but not in the traditional occupation and customs. They are not calling as Budaga Jangam in their village or town, commonly as Jangam or Jangalu.
 - iii. All the persons to whom, the Sub Collector, Gudur has asked regarding their father's, Grand Father's and relatives traditional occupations and customs, they have given their statements stating that their traditional occupation and customs as per the judgment of Andhra Pradesh high court guide lines are one and the same.
 - iv. She has also stated that their father never told that he is an illiterate to the authorities and he studied up to Intermediate in S.K.R. Government College, Gudur.
 - v. She has further stated that they were never treated as untouchables by other cast people because they are doing Sava Karmas to all Hindu saivates sect people including Mala, Madiga, Yanadi and Yerukula by blowing Shanku and ringing bell in front of corpse while taking to crematorium and which is the worst profession in the society.
 - vi. Untouchability should not be taken as Criteria while enquiry for Caste Certificates and as it is injurious to the S.C. people.
 - vii. Orders dated: 21-06-2008 of the District Collector, SPS Nellore are illegal, arbitrary and contrary to the A.P. (SCs, STs and BCs) Regulations of issue of Community Certificate Act 1993 and rules 1997 and quash the same.
5. The Government vide reference 3rd read above have admitted the appeal petition and requested the District Collector, SPS Nellore to furnish parawise remarks and connected records on the appeal petition filed by Kumari Gudur Sravya and Gudur Sailesh Babu.
6. The District Collector, SPS Nellore District vide reference 4th read above, has furnished the parawise remarks and Connected records on the appeal petition. The following are the remarks furnished by the Collector SPS Nellore District.
- a) The District Collector, SPS Nellore in his letter dated: 15-07-2009 has stated that during the enquiry on 20-01-2007, Sri Gudur Veerashankar, father of Kum. G.Sravya and Sri.G.Sailesh Babu, has produced Budaga Jangama caste certificates of his children. He has also produced Budaga Jangama certificates of his relatives which were issued by the Revenue Divisional Officer, Nellore. Basing on that, Kum. Sravya and Sri Sailesh Babu were issued Budaga Jangama Certificates. Subsequently, some of the Tahsildars have reported that there are no Budaga Jangama caste people in their Mandals, but Jangamas are utilizing the similarity in the name of Jangama and Budaga Jangama and trying to obtain Budaga Jangama caste certificates. Jangama caste people never lived in the area belonging to Harijans and they do not dine in Harijan Houses.

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Since ages, people belonging to Jangama caste have lived with other caste people and they were never treated as untouchables and there are no incidents or records available whether they were treated as untouchables, but they were considered as backward caste people. When Budaga Jangama caste is listed in Scheduled Caste, certain people have intentionally obtained false caste certificates and were enjoying reservation facilities as no action was taken against these people who have obtained fraudulent caste certificates. They have encouraged their friends and relatives to obtain Budaga Jangama caste certificate due to similarity in the name of Jangama and Budaga Jangama.

b) The District Collector has further stated that there is no proof or evidence that the family of Sri. G. Veerasankar and their ancestors have lived in the areas earmarked for Scheduled Castes and there is no evidence to show that they have lived together with Scheduled Caste Community and that they have been living with other caste people since ages till now and that they have been considered as Jangama caste people. In school certificates of the children, their caste was enrolled as Jangama and later he has tampered the same and prefixed Budaga.

c) They have not migrated from the areas identified belonging to Budaga Jangama caste and there is no evidences to identify them as Budaga Jangama and that the Tahsildar, Gudur also reported that Sri. G. Veerasankar belongs to Jangama caste. Sri. G. Veerasankar has hidden the facts, submitted false information and misled the administration and obtained Budaga Jangama caste certificate in favor of his children. But in the later enquiry, it was proved that they belong to Jangama (BC) Caste and not Budaga Jangama and requested to cancel Budaga Jangama caste certificates issued to Kum. G. Sravya and Sailesh Babu.

d) The District Collector, SPS Nellore has placed the matter before the District Level Scrutiny Committee u/s. 5(1) of A.P. (SCs/STs/BCs) Regulation of Issue of Community Certificates Act No.16 of 1993 for further verification and offers other findings.

e) The District Level Scrutiny Committee has gone through the material available on record, taken into consideration of the report of the Sub-Collector, Gudur and other substantive grounds and observed that it is evident that Kum.Gudur Sravya and Sri Gudur Sailesh Babu does not belongs to Budaga Jangama caste but they belongs to Jangama (BC) Community. They have played fraud and obtained the caste certificates fraudulently from the Sub-Collector, Gudur as they belonged to Budaga Jangama (SC) Community and tried to grab illegally all the benefits meant for SCs. Hence, the District Level Scrutiny Committee has recommended for issue of orders for cancellation of Budaga Jangama (SC) caste certificate issued to the appellants by the then Sub-Collector, Gudur in R.Dis. No.3850/2007, dated: 31-01-2007.

f) The District Collector, SPS Nellore, in exercise of powers conferred by the Government under Rule 9 (7) of A.P (SCs,STs & BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, communicated vide G.O.Ms. No. 58, Social Welfare Department, dated: 12-05-1997 and read with section 5 (1) of AP (SCs, STs &BCs) Regulation of Issue of Community Certificates Act., proceedings have been issued by the District Collector vide Rc.C5 (M) 1675/2007, dated: 21-06-2008, canceling the Budaga Jangama (SC) Caste Certificates issued by the then Sub-Collector, Gudur in R.Dis.No.3850/2007, dated: 31-01-2007 in favor of Gudur Sravya and Sailesh Babu.

7 The case was taken up for final hearing on 18-01-2010. The appellant was absent on 18/01/2010.

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8. After perusal of the proceedings dated: 21/06/2008 of the District Collector, SPS Nellore and material available with the Government, it reveals that, Kumari Gudur Sravya and Sri. Gudur Sailesh Babu does not belong to Beda/Budaga Jangam (Scheduled Caste) Community.

9. The Government, in exercise of the powers conferred u/s 7 of Act 16 of 1993 decided that the appeal petition filed by Kumari Gudur Sravya, D/o Gudur Veerasanker and Sri Gudur Sailesh Babu, S/o Sri.Gudur Veerasanker does not deserve interference and it is hereby rejected, duly upholding the Proceedings of the District Collector, SPS Nellore vide Rc.C5 (M) /1675/2007, dated 21-06-2008.

10. The District Collector, SPS Nellore is therefore directed to take further necessary action in the matter accordingly.

11. The records received from the District Collector, SPS Nellore through the reference 4th read above (containing pp. 01-94 C.F.,) are returned herewith and he is requested to acknowledge, receipt of the same, at an early date.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate,
Sri Potti Sreeramulu Nellore District (we)

Kum Gudur Sravya,
D/o.Sri Veera Sankar Alias Veeraiah,
14-8/160, Mittapalem, Gudur Town and Mandal,
Sri Potti Sreeramulu Nellore District.

Sri Gudur Sailesh Babu
S/o.Sri Veera Sankar Alias Veeraiah,
14-8/160, Mittapalem, Gudur Town and Mandal,
Sri Potti Sreeramulu Nellore District.

Copy to

The Commissioner of Social Welfare, A.P., Hyderabad.

The P.S. to M (SW)

The P.S. to Principal Secretary (SW)
SF/SC.

//Forwarded: by Order//

Section Officer